

# NEW JERSEY MILITIA NEWSLETTER

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All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness. -- *Article 1, Section 1, New Jersey State Constitution*

## **BATF and the Destruction of Law and Liberty**

The Bureau of Alcohol, Tobacco and Firearms has been particularly outrageous in its prosecutions. Sometimes the BATF's zeal to inflate its seizure count turns its agents into Keystone Kops. One year in Iowa, for example, the BATF hauled away an unregistered cannon from a public war memorial; in California it pried inoperable machine guns out of a museum's display.

In the early 1970s changes in the price of sugar made moonshining unprofitable. To justify its budget, the BATF had to find a new set of defendants. Small-scale gun dealers and collectors served perfectly. Often the bureau's tactics against them are petty and mean. After a defendant's acquittal, for example, agents may refuse to return his seized gun collection, even under court order. Valuable museum-quality antique arms may be damaged when in BATF custody. Part of the explanation for the refusal to return weapons after an acquittal may lie in BATF field offices using gun seizures to build their own arsenals. (BATF abuses are chronicled in detail in David Hardy, *The B.A.T.F.'s War on Civil Liberties* Bellevue, Wash.: Second Amendment Foundation, 1979.)

The BATF's disregard for fair play harms more than just gun owners. BATF searches of gun dealers need not be based on probable cause, or any cause at all. The 1972 Supreme Court decision allowing these searches, (*United States v. Biswell*, 406 U.S. 311, 1972), has since become a watershed in the weakening of the Constitution's probable cause requirement.

Lack of criminal intent does not shield a citizen from the BATF. In *United States v. Thomas*, the defendant found a 16-inch-long gun while horseback riding. Taking it to be an antique pistol, he pawned it. But it turned out to be short-barreled rifle, which should have been registered before selling.

Although the prosecutor conceded that Thomas lacked criminal intent, he was convicted of a felony anyway. The Supreme Court's decision in *United States v. Freed* [401 U.S. 601 (1974)] declared that criminal intent was not necessary for a conviction of violation of the Gun Control Act of 1968.

The strict liability principle has since spread to other areas and contributed to the erosion of the mens rea (guilty mind) requirement of criminal culpability. U.S. law prohibits the possession of unregistered fully automatic weapons (one continuous trigger squeeze causes repeat fire). Semiautomatic weapons (which eject the spent shell and load the next cartridge, but require another trigger squeeze to fire) are legal. If the sear (the catch that holds the hammer at cock) on a semiautomatic rifle wears out, the rifle may malfunction and repeat fire. Accordingly, the BATF arrested and prosecuted a small town Tennessee police chief for possession of an automatic weapon (actually a semiautomatic with a worn-out sear), even though the BATF conceded that the police chief had not deliberately altered the weapon. (J. J. Baker, "Assault on semi-Autos," *American Rifleman*, April 1987; 42). In March and April of 1988, BATF pressed similar charges for a worn-out sear against a Pennsylvania state police sergeant. After a 12-day trial, the federal district judge directed a verdict of not guilty and called the prosecution "a severe miscarriage of justice." (*United States v. Corcoran*, Crim. no. 88-1, W.D. Pa, April 6, 1988, Ziegler, J.)

The Police Foundation has proposed that law enforcement agencies use informers to ferret out illegal gun sales and model their tactics on methods of drug law enforcement. (See Lawrence Sherman, "Equity Against Truth: Value Choices in Deceptive Investigations," in

*Police Ethics*, ed. Heffernand and Stroup, New York: John Jay Press, 1985, pp. 117-32; Police Foundation head arguing that random selection of undercover investigation targets is fairer than probable cause selection.) Taking the Police Foundation's advice to heart, the BATF relies heavily on paid informants and on entrapment -- techniques originated during alcohol prohibition, developed in modern drug enforcement, and honed to a chilling perfection in gun control. So that BATF agents can fulfill their quotas, they concentrate on harassing collectors and their valuable rifle collections. Undercover agents may entice or pressure a private gun collector into making a few legal sales from his personal collection. Once he has made four sales, over a long period of time, he is arrested and charged with being "engaged in the business" of gun sales without a license. (Hardy, *The B.A.T.F.'s War on Civil Liberties*, pp. 11-41, 75-86)

To the consternation of many local police forces, the BATF is often unwilling to assist in cases involving genuine criminal activity. Police officials around the nation have complained about BATF's refusing to prosecute serious gun law violations. (Ibid., pp. 53-55)

In 1982 the Senate Subcommittee on the Constitution investigated the BATF and concluded that the agency had habitual engaged in conduct which borders on the criminal. "[E]nforcement tactics made possible by current firearms laws are constitutionally, legally and practically reprehensible. . . . [A]pproximately 75 percent of BATF gun prosecutions were aimed at ordinary citizens who had neither criminal intent nor knowledge, but

were enticed by agents into unknowing technical violations.” (Senate Committee on the Judiciary, Subcommittee on the Constitution, “The Right to Keep and Bear Arms,” 97th Congress, 2d sess., Senate Doc. 2807 (February 1982): 20-23)

## Lest We Forget

Though the Senate in 1982 concluded that the Constitution does indeed protect the right of individuals to keep and bear arms (Senate Doc. 2807, February 1982, noted in preceding article) certain members of the House violently disagree. Rep. Schumer, now a U.S. Senator, is particularly fanatical on the subject. A Jew himself, Sen. Schumer spits on the graves not only of the disarmed Jews slaughtered during World War II but on the graves of the American soldiers who died liberating the Jewish survivors. —Ed.

April 5, 1995 -- Statement of Rep. Charles B. Schumer Ranking Member, House Subcommittee on Crime

Thank you, Mr. Chairman.

Today's hearing on the Second Amendment comes the day after the National Rifle Association conference on the same topic. Is that a coincidence? I think not. In fact, at least one of the professors we will hear from today was billed as a "discussion leader" at that NRA conference. Is that another coincidence? Of course not. Newt Gingrich and the Republican leadership are working hand in hand with the NRA and the gun lobby to use this committee to stage yet another pep rally for guns and gun nuts. But the intellectual content of this hearing is so far off the edge that we ought to declare this an official meeting of the flat earth society.

Because the pro-gun arguments we will hear today are as flaky as the arguments of the tiny few who still insist that the earth is flat. Like flat earth fanatics, Second Amendment fanatics just don't get it. Facts are facts. The earth is not flat. And Constitutional law is Constitutional law.

The Second Amendment is not absolute. It does not guarantee the mythical individual right to bear arms we will hear argued for today. The gun lobby and its friends in Congress can line up professors of history and law from here to NRA headquarters and back. They can all swear what they think the Second Amendment means, and how many angels can dance on a pinhead. But the settled law is flatly against them. The courts have uniformly, consistently, and unanimously ruled against them. There is no room to argue with the leading Supreme Court cases -- *United States v. Miller* (1939), *United States v. Cruikshank* (1876), and *Pressler v. Illinois* (1886) -- and tens of lower federal court and state court cases following their precedent.

You don't have to take my word for it. I'd like to take a moment here, Mr. Chairman, to play very brief excerpt from a

television interview of a distinguished American on this subject.

[Excerpt played from video]

For anyone who may not have known, that was former Chief Justice Warren Burger, not exactly a raving liberal and not a gun banner. In case you could not understand the audio part of this video, the Chief Justice said that the NRA and its leaders "have trained themselves and their people to lie ... and I can't use any word less than 'lie.'"

That's not me. That's a distinguished American jurist calling these argument lies. He has also said: "There is no Constitutional question here. The NRA has convinced a lot of people that the right to bear arms is an absolute right. It is not, any more than the right to have an automobile is an absolute right."

So there it is. If anyone tried to sell the baloney we'll hear today, they would be arrested for consumer fraud. The NRA's Second Amendment is an empty cereal box in the market place of ideas.

I note also, Mr. Chairman, that the fans of an absolute reading of the Second Amendment do not extend the same absolute reading to the other parts of the Bill of Rights. They are among the first to carve the edges off the right to free speech guaranteed in the First Amendment, to shave the Fourth Amendment's protection against unreasonable search and seizure, or to restrict the Sixth Amendment's guarantees of due process. For the NRA Flat Earth Society, the Constitution consists of the Second Amendment and the Second Amendment only.

Now, one might say, so what? The NRA and its friends in academia and the Congress are entitled to their opinions, aren't they? What harm can come from peddling these phony opinions?

The answer is that plenty of harm comes from it. The first -- and most serious -- harm is the poisoning of our political dialogue. The NRA and its friends -- some of whom serve in this body -- have planted a poisonous weed of political paranoia in the minds of hundreds of thousands of Americans. This barrage of cynical, fund-raising NRA propaganda about the Second Amendment has convinced many people that there is a vast plot to seize their guns and "take away their rights."

The sickening fruit of this poisonous lie are obvious in our society. Right wing hate groups are arming themselves to answer a purely imaginary plot with real gun violence. And every day, members of this body receive in the mail the most vicious, hate-filled mail imaginable, inspired by this biggest of NRA lies.

This is dangerous sickness.

I charge the NRA and others who encourage this rasping political hatred to take heed. You are sowing seeds that will bear the bitterness of fruit.

The second harm is that decent Americans are bamboozled into opposing even modest laws designed to keep guns away from violent criminals, children, and the mentally dangerous. They are stampeded even into opposing simple gun safety laws that would protect gun owners from the kind of accidents that every year cost the lives and limbs of hunters and recreational shooters.

Just one look at what the American people do for recreation makes this point clear. According to a Roper poll published last week in the *New York Times*, 40 percent of Americans relax by driving for pleasure. Another 26 percent go fishing. Only 8 percent go hunting. And only 8 percent engage in target shooting. What's wrong with this picture? Well, the 40 percent who drive put up gladly with a little inconvenience in exchange for our common safety. Their cars are titled and registered. They get driver's licenses. And the 26 percent who fish endure the minor inconvenience of getting fishing licenses. But the NRA and the gun lobby go nuts when society seeks to impose even the slightest inconvenience by way of licensing or registration on the minority who own and use guns.

This is madness.

A tiny minority of people fascinated with guns -- and something they call the "gun ethic" -- is bullying a much bigger majority on vital issues of health and safety.

Mr. Chairman, I'll listen to the flat earth arguments we'll hear today with as much interest as I can. But I say to the NRA and those who push the gun lobby's absolute view of the Second Amendment: Get over it. The earth is not flat. And the Second Amendment is not absolute.

You are wrong.

Source: NRA Institute for Legislative Action, forwarded by CCOPS: Concerned Citizens Opposed to Police States

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Never forget Sen. Schumer, and never forget his words! -- Ed.

## **An Excerpt from *Psychopolitics***

By Lavrenty Pavlovich Beria

The masses must at last come to believe that only excessive taxation of the rich can deliver them of the "burdensome leisure class" and can thus be brought to accept such a thing as income tax, a Marxist principle smoothly slid into Capitalistic framework in 1909-1913 in the United States [with the ratification of the Sixteenth Amendment]. This, even though the basic law of the United States forbade it and even though Communism at that time had been active only a few years in America. Such success as the Income Tax law, had it been followed thoroughly could have brought the United States and not Russia into the world scene as the first Communist nation. But the virility and good sense of the Russian peoples won. It may not be that the United States will become entirely Communist until past the middle of the century, but when it does it will be because of our superior understanding of economics and of psychopolitics.

The Communist agent skilled in economics has as his task the suborning of tax agencies and their personnel to create the maximum disturbances and chaos and the passing of laws adapted to our purposes and to him we must leave this task. The psycho political operator plays a distinctly different role in this drama.

The rich, the skilled in finance, the well informed in government are particular and individual targets for the psycho politician. His is the role of taking off the board those individuals who would halt or corrupt Communist economic programs. Thus every rich man, every statesman, every person well informed and capable in government, must have brought to his side as a trusted confidant, a psycho political operator.

**Ed.:** Beria was head of the Soviet secret police, or KGB. As 99.9% of the U.S. Congress and 100% of the New Jersey legislature defend the income tax it appears that Soviet-style "psycho politicians" have done their work well.

### **Draft Legislation for United Nations-free Zone**

Section 1. Name

Section 2. Purpose

Section 3. Findings

Section 4. Prohibitions

Section 5. United Nations-free  
Contracts and Investments

Section 6. Reporting and Information

Section 7 Community Right to Know

Section 8 Public Notice of United  
Nations-free Zone

Section 9. Enforcement

Section 10 Severability

Section 1 Name.

This Chapter shall be known as  
The United Nations-free Zone of the  
Republic of Montana.

Section 2. Purpose.

The purpose of this statute is to  
make the Republic of Montana United  
Nations-free; that is:

1. To maintain and preserve the  
Supreme Law of the Land as set forth in  
the Constitution of the state of Montana,  
and of these united States to the benefit of  
the people of the Republic of Montana,  
including but not limited to, the freedom  
of religion, speech, press, assembly and  
petition, and the rights to bear arms, to  
trial by jury, to the privilege against self-  
incrimination and to the common law writ  
of habeas corpus.

2. To oppose the United Nations  
Charter as an illegitimate and  
unconstitutional charter.

3. To resist the United Nations'  
unconstitutional and illegal usurpation of  
American sovereignty.

4. To restore completely the  
People of the Several States as the final  
and ultimate civil authority in these united  
States of America.

5. To recognize no executive,  
legislative or judicial power within  
Montana other than those powers duly  
constituted by the People in the  
Constitution of the Republic of Montana  
and by the Peoples of the Several States in  
the united States Constitution.

6. To protect the citizens of the  
Republic of Montana, especially those  
who are members of the United States  
armed forces, from involuntary servitude  
to the United Nations

7. To rid the state of Montana,  
its counties, cities, towns, townships,  
boroughs, villages and hamlets of the  
presence of any and all United Nations  
personnel and facilities.

8. To refuse any and all United  
Nations funded programs, studies, or  
other activities within the limits of  
Montana.

9. To prohibit the investment of  
any funds in any business, government  
agency or other entity which supports or  
cooperates with the United Nations.

10. To protect the citizens of  
Montana from taxation without  
representation, by forbidding the  
implementation within the Republic of  
Montana of any tax, levy, fee, assessment,  
surcharge, or any other financial  
imposition by the United Nations.

11. To establish a citizen's right  
to know about, and to increase citizen  
awareness of, the activities of the United  
Nations.

Section 3. Findings

The People of Montana find  
that:

1. The Executive, Legislative  
and Judicial branches of the Republic  
of Montana are bound by oath and  
affirmation to support the Constitution  
of the United States and, pursuant to  
that oath and Article VI of the United  
States Constitution, to obey only  
treaties "made under the Authority of  
the United States."

2. The United Nations  
Charter is not a treaty "made under the  
Authority of the United States," but an  
illegitimate and unconstitutional  
international constitution, having never  
been submitted to, nor ratified by, the  
People of the United States, as required  
by Declaration of Independence, the  
charter of our nation.

3. The United States  
government has absolutely no  
Constitutional authority to participate  
in any United Nations program or  
activity, and United Nations personnel  
and facilities have absolutely no legal  
right to be within the geographic  
boundaries of the United States.

4. The Congress, the  
President, and the Supreme Court of  
the United States, in violation of their  
sworn constitutional duties under  
Article VI of the United States  
Constitution, have utterly failed to  
protect the American people from the  
United Nations' usurpation of the  
sovereignty of the American people,  
including the sovereign powers of the  
people of this Republic.

5. The Legislature of the  
Republic of Montana, bound by its oath  
to support the Constitution of the  
United States and by its duties under  
Article VI of the United States  
Constitution, must protect the  
sovereignty of this Republic and of its  
people, and to that end,

A. No citizen of Montana  
shall be required to serve the United  
Nations in any capacity.

B. No United Nations  
facilities or personnel, except those  
indicted or imprisoned, may be present  
or may be located within the  
geographic limits of Montana.

C. No United Nations funded  
programs, studies or other United  
Nations sponsored or funded activities  
may take place within the geographic  
limits of Montana.

D. No funds may be invested  
in, nor may any Montana personnel  
participate with, any business,  
government agency or other entity  
which supports or cooperates in any  
way with the United Nations.

E. The People of the Republic of Montana have a right to know about the unconstitutional and unlawful activities of the United Nations, as they impact on this Republic, and the State Legislature has a duty to the people to increase citizen awareness of the United Nations through community, school, and civic educational programs.

#### Section 4. Prohibitions

1. Cessation of Present Activities. No person, corporation, school, college, university, institution, or other entity shall within the Republic of Montana knowingly aid or abet any illegal or unconstitutional activity of the United Nations or of any entity financially supported by or affiliated with the United Nations. This prohibition shall take effect immediately after the adoption of this bill, upon receiving the signature of the Governor.

2. Commencement of Work for the United Nations. No person, corporation, school, college, university, institution, or other entity which is not, as of the date this statute is adopted, engaged in any work for the United Nations, or any entity financially supported by or affiliated with the United Nations, shall, within the Republic of Montana, aid or abet any illegal or unconstitutional activity of the United Nations or of any entity financially supported by or affiliated with the United Nations.

3. United Nations Flags and Symbols. No flag, symbol, or other logo of the United Nations shall be displayed on public property, provided however, that this prohibition does not apply to a photograph or other pictorial display of such flags, symbols or logos as part of an exhibit of an historical nature.

4. United Nations Personnel. No United Nations personnel or contract agent may conduct any official United Nations activity of any kind whatsoever and, under no circumstances, may United Nations peacekeeping or other troops be quartered on any property within the geographic limits of Montana.

5. United Nations Tax. No tax, levy, surcharge, fee, assessment, or other financial burden authorized by the United Nations may be imposed on or collected from any person within the geographic limits of Montana.

6. United Nations Restraints. No arrest or restraint of the liberty of any citizen of Montana by anyone acting under the authority of the United Nations may be effected within the geographic limits of Montana.

7. International Court Decree. No judicial order, decree or judgment entered by any international court under the authority of the United Nations shall be enforceable within the geographic limits of Montana.

#### Section 5. United Nations-free Contracts and Investments

1. Contracts. The Republic of Montana, its counties and municipalities shall grant no contract to any person, business or nonprofit entity which knowingly engages in work for the United Nations, or for any entity supported by or affiliated with the United Nations, unless the State Legislature in a super majority (two-thirds) vote of both houses, makes a specific determination that no reasonable alternative exists, taking into consideration the following factors:

A. The intent and purposes of this statute;

B. The availability of alternative services, goods and equipment, or other supplies substantially meeting the required specifications of the proposed contract; and

C. Quantifiable additional costs resulting from use of available alternatives.

2. Investments. The Republic of Montana, its counties and municipalities shall refrain from making any investments in businesses that knowingly engage in work, whether with or without remuneration, for the United Nations, including advertising support of, subsidies for, or promotions of the United Nations, its supporters and affiliates, and their activities. Within two years of the adoption of this statute, the Republic of Montana and its counties, cities, towns, townships, boroughs, villages and hamlets shall divest themselves of all such investments currently held by it (including pension funds).

#### Section 6. Reports and Information.

In the event that any part of Section 4 is unenforceable, and so long as any work for or with the United Nations, its financed supporters and affiliates continues within the Republic of Montana, the following monitoring of such activities shall be carried out by the Republic of Montana through such agencies as the State Legislature shall designate.

A. Annual Reporting. Pending the completion of on-going contracts each publicly funded corporation, school, college, university, institution, or other entity engaged in work for or with the United Nations, its supporters or affiliates (hereinafter designated as "United Nations agent") shall prepare an annual report which details the activities and programs engaged in, names the agency or entity worked for or with, states the nature of the relationship between that agency or entity and the United Nations and specifies the reasons for continuation of such work or relationship. These annual reports shall be filed with the

designated Municipal, County and State agency or agencies and shall also be made available for inspection and copying by any member of the public.

2. Information. The Republic of Montana may require any United Nations agent to provide such further information as the Legislature deems necessary to keep the citizens adequately informed of "United Nations activity" within Republic of Montana and at such reasonable times and places as the Legislature determines.

3. Signs. Every facility within the Republic of Montana in which work for or with the United Nations, its supporters or affiliates takes place shall be required to install and maintain signs clearly visible to any passing person, identifying the facility with the legend "UNITED NATIONS WORK CONDUCTED HERE."

4. Fee: Each United Nations agent shall be assessed a fee at rates to be determined by the Legislature, which shall be at least adequate to cover, in the aggregate, the costs of administering this act.

#### Section 7. Community Right to Know.

The Republic of Montana, through its own agencies and in cooperation with other local government agencies and educational organizations and interested citizen groups, shall assist and promote educational activities, including but not limited to curriculum in public schools and adult education programs, to advance public awareness and understanding of work for the United Nations, its supporters and affiliates and related matters as addressed in this statute.

Section 8. Public Notice of United Nations-free Zone. Every road into any Municipality of the Republic of Montana which is United Nations-free and which has a sign marking the City limits as of the date of the passage of this statute, and every road entering any United Nations-free County of the Republic of Montana which shall, after the passage of this statute, be so marked, will also be marked equally prominently with a sign reading "United Nations-free zone, established by State Law (MCA number)." These signs shall be posted no later than ninety (90) days after passage of this statute, and shall be at least two feet by three feet in size.

Section 9. Enforcement. Each violation of this statute shall be punishable by up to thirty days imprisonment and a five hundred dollar

fine. Each day shall be deemed a separate violation. Residents of the Republic of MONTANA shall also have the right to enforce this statute by appropriate civil actions for declaratory or injunctive relief.

Section 10. Severability. If any section, subsection, paragraph, or word of this statute shall be held to be invalid, either on its face or as applied, the invalidity of such provision shall not affect the other sections, subsections paragraphs, sentences or words of this statute and the application thereof; and to that end the sections, subsections, paragraphs, sentences and words of this statute shall be deemed to be severable.

## Letters to the Editor

Dear Sirs:

A fellow inmate has been sharing your informative newsletter. I praise you for spreading the truth. I am improving my self-worth through this well received knowledge. I am sorry for not having a donation. Please add me to your mailing list. Thanks for your understanding and assistance.

State Prisoner

\* \* \*

Dear N.J.M.:

I have had an opportunity to read your most excellent newsletter. It's a pleasure to know there are still some sources of truth in the USA. I am well aware that every major (and most minor) media source is controlled and I am not currently able to locate much truth because of my incarceration.

I'm trying to educate my adult children as to what is really going on in this country – and the world. Your newsletter will help me to convince them; and with a little luck, they will soon all be subscribers. All my children have their own homes and families and were raised to love and respect this country. All of us need the education you are trying to circulate.

Respectfully,  
State Prisoner

## New Jersey Naval Militia

The Naval Militia will be composed of three battalions commanded by Rear Admiral Timothy D. Beard III.

The first battalion will be Navy, Marine Corps and Coast Guard reservists who take a second oath to the governor and will be available to the governor for state emergencies.

The second battalion will include former members of all U.S. service branches, the merchant marines and select civilian personnel. These people will drill on a volunteer basis and could be activated to state duty if necessary.

The third battalion of augmentees will not likely perform any active missions, but instead will work in public programs.

Anyone interested in joining should forward the following – name, address, home and work phone numbers, information

pertaining to your military service – branch, dates, highest rank, specialty and civilian occupation – to

New Jersey Naval Militia, Dept.  
of Military and Veteran Affairs  
PO Box 340  
Trenton, N.J. 08625-0340

Source: NJ Dept. of Military  
and Veterans Affairs "Veterans Journal",  
Vol. 3, No. 3, Summer 2000

Ed.: Admiral Beard has reportedly said that the NJ Naval Militia is "the good militia." Guess that makes us the "bad" militia. *It appears, however, that the NJ Naval Militia is a select militia that Hamilton warned against in Federalist No. 29:* "We are even taught to apprehend danger from the militia itself in the hands of the federal government [or, in this case the state of New Jersey]. It is observed that select corps may be formed, composed of the young and the ardent [in this case military personnel whose pensions may be affected if they step out of line], who may be rendered subservient to arbitrary power." It is also disturbing that NJ Naval Militiamen must take a separate oath to the governor. German soldiers also were ordered to take an oath, to Hitler.

## Distrust of Local Police

WASHINGTON (Reuters) The Bush administration is considering a proposal to create a national law enforcement panel to examine racial profiling, excessive use of force and a range of other issues police officials say are undermining public trust in police, *USA Today* reported.

The report said the proposal came from the International Association of Chiefs of Police, one of the largest police lobbying groups in the U.S., and would address what it calls "a serious gap developing between police agencies and communities."

Bush aides will meet next week with leaders of the group to discuss its plan, the newspaper reported. Bruce Glasscock, head of the 18,000-member group, was quoted as saying the goal of the talks is a "top-to-bottom review" of U.S. law enforcement.

Corruption among Los Angeles officers assigned to anti-gang duties and the shooting of unarmed African immigrant Amadou Diallo by New York City police are among dozens of incidents that have contributed to an "erosion of public confidence and trust" in police, Glasscock told *USA Today*.

Four officers were acquitted on state charges in Diallo's death. The Justice Department declined to press federal charges in the case that had engulfed New York City in racial turmoil.

Officials told *USA Today* that their proposed panel could ease such tension.

The newspaper said the panel would be patterned after one convened more than 35 years ago under President Lyndon B. Johnson to deal with segregated police forces and police training.

Ed.: Hmm, does Pres. Bush think the public trusts federal police?

## Rule by Lawyers

(AP) -- A Superior Court judge has ruled Rhode Islanders are not entitled to an appeal hearing if they are denied permits to carry guns. Judge Michael Silverstein said that under state law, the attorney general's office has the final say in approving applications for gun permits. "This court is unable to declare that a person in Rhode Island has a fundamental right to carry a weapon outside the limits of his or her own land or business," Silverstein wrote in his decision.

Because it is not a fundamental right, residents are not entitled to an appeal hearing, he said. The case involves two applicants who were denied permits to carry guns by Attorney General Sheldon Whitehouse in March and April 1999. Charles H. Mosby Jr., a gun collector from Newton, Mass., wanted to carry a gun because he often travels with firearms and large sums of money. Steven Golotto, then a self-employed Greenville shopkeeper, sought a permit to protect himself because he carries money.

Whitehouse denied the applications, saying the reasons were not sufficient to allow the men to carry a concealed weapon. Mosby and Golotto jointly sued the attorney general in Superior Court, claiming their constitutional rights had been violated. Silverstein dismissed the case. The plaintiffs' lawyer, David J. Strachman, said the case raises questions that go beyond the interests of gun owners.

"I don't think it's a gun issue; it's a governmental issue," Strachman said. "When the state Constitution explicitly grants a right, that right cannot be arbitrarily ruled on by a government administrator."

The attorney general's office uses basic guidelines to determine an applicant's need to carry a gun. The guidelines are meant to balance a gun owner's interests with public safety, but prosecutors admit the process is largely subjective.

"From our point of view, it's very important that the attorney general has discretion," said Deputy Attorney General Gerald Coyne. Some applicants who qualify for the four-year permits are security personnel who are required to carry a gun on the job, or crime victims who need guns for personal safety.

The state does not require people to have permits to possess a gun in their home or business. ***State and local police are excluded from the law.*** About 4,600 people are registered to carry a concealed weapon in Rhode Island. – Feb. 8, 2001

## **"The Tyranny of American Justice"**

By Paul Craig Roberts

When the administration of justice goes awry, citizens are doomed to tyranny. Americans would be shocked if they realized the tyranny that passes for American justice. Self-incrimination -- banned by the Constitution -- is the principle means of conviction today, accounting for 95 percent of all criminal convictions.

In the United States today, self-incrimination takes the form of a plea bargain. The defendant admits to a crime that no one committed in order to avoid being charged with more serious offenses. The defendant is sentenced without a trial. Thus, plea bargains are based on falsehoods, and the prosecutor's case receives no courtroom test before a jury.

Originally, plea bargains were rationalized as a way to clear crowded court dockets and to give the defendant a speedy resolution of charges as required by the Constitution. But plea-bargaining introduces falsehoods and extraneous motives that pervert the criminal justice system. Finding the truth and dispensing justice have become less important to prosecutors than achieving high conviction rates and justifying their budgets.

Once truth takes a backseat, a plea bargain ceases to be a way to let a criminal off lightly in exchange for a confession. Today, a plea bargain is a tool for coercion. Prosecutors force defendants to plea bargain by loading up the charges, threatening family members with expanded indictments, destroying the defendant's reputation with leaks to the media and paying other suspects with money or dropped charges to testify against the defendant.

Power corrupts. Sentencing guidelines, asset forfeiture, and the prosecutors' ability to manipulate grand juries and withhold exculpatory evidence have greatly elevated the power and lowered the ethics of prosecutors. Today prosecutors regard finding truth and serving justice as expensive paths to career failure.

The Ashcroft hearings were an opportunity to address the erosion of our legal protections and restore justice to the Justice Department. Instead, all we heard about were abortion, racism and affirmative action. It matters little to the forces of "liberal society" if innocents are convicted, unless false conviction can be portrayed as a racist act against a minority.

The left-wing critique of the justice system is that it is racist, and arrests and convicts people because they are black. This racist perspective denies that whites are also victims of injustice.

As long as the political left sees the criminal justice system as part of the "white hegemonic order that oppresses people of color," leftists will be unable to address its real shortcomings. Leftists won't admit that whites suffer injustice, because the admission compromises their assumption of a "white hegemonic order."

Conservatives can't face up to the failings of the criminal justice system because they fear that criticism of police and prosecutors will play into the hands of the political left. Conservatives blindly defend the criminal justice system as a bulwark of civilized society.

Consequently, neither left nor right is prepared to do any thing about the prosecutorial abuses that ruin the lives of thousands of innocent Americans, rich and poor, black and white, every year.

It used to be that if an investigation turned up no evidence, charges would be dropped. Today, prosecutors feel compelled to justify the expenditure of funds on the investigation. Instead of dismissing charges, statutes are stretched beyond their meaning in order to create crimes where no criminal intent [mens rea] was present.

Many criminal defense lawyers are part of the problem. They have

become facilitators of injustice, convincing their clients, innocent or guilty, to enter a plea instead of going to trial. Defense lawyers prefer working out a plea agreement to mounting a stiff defense in the courtroom. Attorneys feel safer negotiating with a prosecutor in a conference room than poking holes in his case in a courtroom. Defense attorneys harden themselves against wrongful convictions by rationalizing that they cut a deal that got their client a sentence of five years instead of 10.

In the United States today, punishment has been separated from guilt and is the likely fate of anyone, innocent or guilty, who has the misfortune to encounter the criminal justice system. This is the real problem. It is a problem that received no attention in the Ashcroft hearings.

## **Two Cows**

**BUREAUCRACY:** You have two cows. The government takes them both, shoots one, milks the other, pays you for the milk, and then pours it down the drain.

**DEMOCRACY:** You have two cows. The government taxes you to the point that you must sell them both in order to support a man in a foreign country who has only one cow which was a gift from your government.

**SINGAPOREAN**  
**DEMOCRACY:** You have two cows. The government fines you for keeping two unlicensed farm animals in an apartment.

**MILITARISM:** You have two cows. The government takes both and drafts you.

**ENVIRONMENTALISM:**  
You have two cows. The government bans you from milking or killing them.

**FEMINISM:** You have two cows. They get married and adopt a veal calf.

**LAISSEZ FAIRE:** You have two cows. You sell one and buy a bull. You make a lot of cows, and a lot of money.

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